The Lawfulnels,

AND

Obligation of Oaths.

A

SERMON

Preach'd at the

ASSISES

Held at

KINGSTON upon *THAMES*,

July 21. 1681.

By *JOHN TILLOTSON* D. D. Dean of *Canterbury*, and Chaplain in Ordinary to His MAJESTY.

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To the Right Worſhipfull and my Honoured Friend

JOSEPH REEVE Eſq;

High Sheriff of the County of

SURREY.

SIR,

WHen I had perform'd the Service which you were pleas'd to call me to in the preaching of this Sermon, I had no thoughts of making it more publique. And yet in this alſo I was the more eaſily induced to comply with your deſire, becauſe of the ſuitableneſs of the Argument to the Age in which we live: Wherein as men have run into the wildeſt extremities in other things, ſo particularly in the matter of Oaths; ſome making conſcience of taking any Oath at all, and too many none at all of breaking them.

To convince the great mistake of the one extreme, and to check the growing evil and mischief of the other, is the chief design of this Discourse. To which I shall be very glad if by God's blessing it may prove any wise serviceable. I am

Sir,

Your very faithfull

and

humble Servant

JOHN TILLOTSON.

The Lawfulness, AND Obligation of Oaths.

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Heb. vi. 16.

And an Oath for confirmation is to them an end of all ſtrife.

THE neceſſity of Religion to the ſupport of humane Society in nothing appears more evidently than in this, That the obligation of an Oath, which is ſo neceſſary for the maintenance of peace and juſtice a-

mong men, depends wholly upon the ſenſe and belief of a Deity. For no reaſon can be imagined why any man that doth not believe a God, ſhould make the leaſt conſcience of an Oath; which is nothing elſe but a ſolemn appeal to God as a witneſs of the truth of what we ſay. So that whoever promotes Atheiſm and Infidelity doth the moſt deſtructive thing imaginable to humane Society, becauſe he takes away the reverence and obligation of Oaths: And whenever that is generally caſt off, humane Society muſt disband, and all things run into diſorder. The juſt ſenſe whereof made *David* cry out to God with ſo much earneſtneſs, as if the World had been cracking, and the frame of it ready to break in pieces, *Pſal.* 12. *Help, Lord, for the righteous man ceaſeth, and the faithfull fail from among the children of men:* Intimating, That when Faith fails from among men, nothing but a particular and immediate interpoſition of the Divine providence can preſerve the World from falling into confuſion. And our Bleſſed Saviour gives this as a ſign of the end of the World, and the approaching diſſolution of all things, when faith and truth ſhall hardly be found among men, *Luke* 18. 8. *When the Son of*

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man comes, ſhall he find Faith on the earth? This ſtate of things doth loudly call for his coming to deſtroy the World, which is even ready to diſſolve and fall in pieces of it ſelf, when theſe Bands and Pillars of humane Society do break and fail. And ſurely never in any Age was this Sign of the coming of the Son of man more glaring and terrible than in this degenerate Age wherein we live, when almoſt all ſorts of men ſeem to have broke looſe from all obligations to faith and truth.

And therefore I do not know any Argument more proper and uſefull to be treated of upon this Occaſion than of the Nature and Obligation of an *Oath*, which is the utmoſt ſecurity that one man can give to another, of the truth of what he ſaies; the ſtrongeſt tye of fidelity, the ſureſt ground of Judicial proceedings, and the moſt firm and ſacred bond that can be laid upon all that are concerned in the adminiſtration of publick Juſtice; upon *Judge*, and *Jury*, and *Witneſſes*.

And for this reaſon I have pitched upon theſe Words; In which the Apoſtle declares to us the great uſe and neceſſity of Oaths among men; *An Oath for confirmation is to them an end of all ſtrife.* He had ſaid before, that

for our greater aſſurance and comfort God hath confirmed his promiſes to us by an Oath; condeſcending herein to deal with us after the manner of men, who, when they would give credit to a doubtfull matter, confirm what they ſay by an Oath. And generally when any doubt or controverſie ariſeth between Parties concerning a matter of fact, one ſide affirming, and the other denying, an end is put to this conteſt by an Oath; *An Oath for confirmation being to them an end of all ſtrife: An Oath for confirmation*, εἰς βεβαίωσιν, for the greater aſſurance and eſtabliſhment of a thing: Not, that an Oath is alwaies a certain and infallible deciſion of things according to truth and right; but, that this is the utmoſt credit that we can give to any thing, and the laſt reſort of truth and confidence among men: After this we can go no farther; for if the Religion of an Oath will not oblige men to ſpeak truth, nothing will. This is the utmoſt ſecurity that men can give, and muſt therefore be the final deciſion of all conteſts; *An Oath for confirmation is to them an end of all ſtrife.*

Now from this aſſertion of the Apoſtle concerning the great uſe and end of Oaths among men, I ſhall take occaſion,

1. To

1. To consider the *nature* of an Oath, and the *kinds* of it.

2. To shew the great *use* and even *necessity* of Oaths, in many cases.

3. To vindicate the *lawfulness* of them, where they are necessary.

4. To shew the sacred *obligation* of an Oath. I shall be as brief in these as the just handling of them will bear.

I. For the *nature* of an Oath, and the *kinds* of it. An *Oath* is *an invocation of God, or an appeal to him as a witness of the truth of what we say.* So that an Oath is a sacred thing, as being an act of Religion and an invocation of the Name of God: And this, whether the Name of God be expressly mentioned in it or not. If a man only say, *I swear*, or *I take my Oath*, that a thing is, or is not, so, or so; or that I will, or will not, do such a thing: Or if a man *answer upon his Oath*, being adjured and required so to do: Or if a man *swear by Heaven, or by Earth*, or by any other thing that hath relation to God; in all these cases a man doth virtually call God to witness; and in so doing, he doth by consequence invoke him as a Judge and an Avenger, in case what he swears be not true: And if this be expreſt, the oath is a formall im-

precation; but whether it be, or not, a curſe upon our ſelves is always implyed in caſe of perjury.

There are *two* ſorts of Oaths, *Aſſertory*, and *Promiſſory*. An *aſſertory* oath is when a man affirms or denies upon oath a matter of fact, paſt, or preſent: when he ſwears that a thing was, or is ſo, or not ſo. A *promiſſory* oath is a promiſe confirmed by an oath, which always reſpects ſomething that is future: And if the promiſe be made directly and immediately to *God*, then it is call'd a *Vow*; if to *men*, an *Oath*. I proceed to the

II. Thing, which is to ſhew the great *uſe* and even *neceſſity* of Oaths, in many caſes: Which is ſo great, that humane Society can very hardly, if at all, ſubſiſt long without them. Government would many times be very inſecure: And for the faithfull diſcharge of Offices of great truſt, in which the welfare of the Publick is nearly concerned, it is not poſſible to find any ſecurity equall to that of an Oath; becauſe the obligation of that reacheth to the moſt ſecret and hidden practices of men, and takes hold of them in many caſes where the penalty of no humane Law can have any awe or force upon them: And eſpecially, it is (as the *Civil*

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Law expreſſeth it) *maximum expediendarum litium remedium*, the beſt means of ending controverſies: And where mens eſtates or lives are concerned, no evidence but what is aſſured by an Oath will be thought ſufficient to decide the matter, ſo as to give full and generall ſatisfaction to mankind. For in matters of ſo great concernment, when men have all the aſſurance that can be had, and not till then, they are contented to ſit down and reſt ſatisfied with it. And among all Nations an Oath hath always been thought the onely peremptory and ſatisfactory way of deciding ſuch controverſies.

III. The *third* thing I propoſed, was to vindicate the *Lawfulneſs* of Oaths, where they are neceſſary. And it is a very ſtrong inducement to believe the lawfulneſs of them, that the unavoidable condition of humane affairs hath made them ſo neceſſary. The Apoſtle takes it for granted that an Oath is not only of great uſe in humane affairs, but in many caſes of great neceſſity, to confirm a doubtful thing, and to put an end to controverſies, which cannot otherwiſe be decided to the ſatisfaction of the Parties contending; *An oath for confirmation is to them an end of all ſtrife.* And indeed it is hardly imaginable that God ſhould not have left

left that lawfull, which is ſo evidently neceſſary to the peace and ſecurity of Mankind.

But becauſe there is a *Sect*, ſprung up in our memory, which hath called in queſtion the lawfullneſs of all Oaths, to the great miſchief and diſturbance of humane Society, I ſhall endeavour to ſearch this matter to the bottom, and to manifeſt how unreaſonable and groundleſs this Opinion is. And to this end, I ſhall

Firſt, prove the lawfulneſs of Oaths from the autority of this Text, and from the reaſons plainly contained, or ſtrongly implied in it.

Secondly, I ſhall ſhew the weakneſs and inſufficiency of the grounds of the contrary Opinion; whether from reaſon, or from Scripture, which laſt they principally rely upon; and if it could be made out from thence would determine the caſe.

1. I ſhall prove the lawfulneſs of Oaths from the autority of this Text, and the reaſons plainly contained, or ſtrongly implyed in it. Becauſe the Apoſtle doth not only ſpeak of the uſe of Oaths among men without any manner of cenſure and reproof, but as a commendable cuſtome and practice, and in many caſes neceſſary, for the confirmation of doubtfull matters,

matters, and in order to the finall deciſion of Controverſies and Differences among men. For

Firſt. He ſpeakes of it as the generall practice of Mankind, to confirm things by an oath in order to the ending of differences. And indeed there is nothing that hath more univerſally obtained in all Ages and Nations of the World: than which there is not a more certain indication that a thing is agreeable to the Law of Nature and the beſt Reaſon of Mankind. And that this was no degenerate practice of Mankind, like that of Idolatry, is from hence evident; that when God ſeparated a People to himſelf, it was practiſed among them, by the holy Patriarchs, *Abraham*, *Iſaac*, and *Jacob*; and was afterwards not only allowed, but in many Caſes commanded by the Law of *Moſes*; which had it been a thing evil in it ſelf and forbidden by the Law of Nature, would not have been done.

Secondly. Another undeniable Argument from the Text of the Lawfulneſs of Oaths is, that God himſelf, in condeſcenſion to the Cuſtome of men who uſe to confirm and give credit to what they ſay by an Oath, is repreſented by the Apoſtle as confirming his promiſe to us by an oath, verſ. 13. *When God made the promiſe to Abraham, becauſe he could ſwear by none greater, he*

ſwears by himſelf. For men verily ſwear by the greater; and an oath for confirmation is to them an end of all ſtrife. Wherein God, willing more abundantly to ſhew unto the heirs of promiſe the immutability of his counſell, confirmed it by an oath: which he certainly would not have done, had an oath been unlawfull in it ſelf. For that had been to comply with men in an evil practice, and by his own example to give countenance to it in the higheſt manner: But though God condeſcend to repreſent himſelf to us after the manner of men, he never do's it in any thing that is in it's own nature evil and ſinfull.

Thirdly. From the great Uſefullneſs of Oaths in humane affaires, to give credit and confirmation to our word, and to put an end to Conteſtations. Now that which ſerves to ſuch excellent purpoſes, and is ſo convenient for humane ſociety, and for mutual ſecurity and confidence among men, ought not eaſily to be preſumed unlawfull, till it be plainly proved to be ſo. And if we conſider the nature of an oath, and every thing belonging to it, there is nothing that hath the leaſt appearance of evil in it. There is ſurely no evil in it, as it is an act of religion; nor as it is an Appeal to God

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as a witneſs and avenger in caſe we ſwear falſly; nor as it is a confirmation of a doubtfull matter; nor as it puts an end to ſtrife and controverſy. And theſe are all the eſſential ingredients of an Oath, and the ends of it; and they are all ſo good, that they rather commend it, than give the leaſt colour of ground to condemn it. I proceed in the

2*d.* Place, to ſhew the weakneſs and inſufficiency of the grounds of the contrary opinion; whether from *Reaſon*, or from *Scripture*.

Firſt, from *Reaſon*. They ſay the neceſſity of an Oath is occaſioned by the want of truth and fidelity among men. And that every man ought to demean himſelf with that faithfulneſs and integrity as may give credit and confirmation to his word; and then Oaths will be needleſs. This pretence will be fully anſwered, if we conſider theſe *two* things.

1*ſt.* That in matters of great importance no other obligation, beſides that of an oath, hath been thought ſufficient amongſt the beſt and wiſeſt of men to aſſert their fidelity to one another. *Even the beſt men* (to uſe the words of a great Author) *have not truſted the beſt men without it.* As we ſee in very remarkable inſtances, where Oaths have paſs'd between thoſe who

might be thought to have the greateſt confidence in one another: As between *Abraham* and his old faithfull ſervant *Eliezer*, concerning the choice of a Wife for his Son: Between Father and Son, *Jacob* and *Joſeph*, concerning the buriall of his Father in the Land of *Canaan:* Between two of the deareſt and moſt intimate Friends, *David* and *Jonathan*, to aſſure their friendſhip to one another; and it had its effect long after *Jonathan*'s death in the ſaving of *Mephiboſheth*, when reaſon of State and the ſecurity of his Throne ſeem'd to move *David* ſtrongly to the contrary; for it is expreſly ſaid 2 *Sam.* 21.7. that *David* ſpared *Mephiboſheth*, *Jonathan*'s *Son, becauſe of the oath of the Lord that was between them*; implying, that had it not been for his Oath, other conſiderations might probably have prevail'd with him to have permitted him to have been cut off with the reſt of *Saul*'s Children.

2*dly.* This Reaſon, which is alledged againſt Oaths among men, is much ſtronger againſt God's confirming his promiſes to us by an Oath. For he who is Truth it ſelf is ſurely of all other moſt to be credited upon his bare word, and his oath needleſs to give confirmation to it; and yet he condeſcends to add his oath to his word;

word; and therefore that reaſon is evidently of no force.

Secondly, from *Scripture*. Our Saviour ſeems altogether to forbid ſwearing in any caſe, *Matth.* 5.33,34. *Ye have heard that it hath been ſaid to them of old time, thou ſhalt not forſwear thy ſelf: but I ſay unto you ſwear not at all; neither by heaven,*&c. *But let your communication be yea, yea, and nay, nay; for whatſoever is more than theſe cometh of evil.* And this Law St. *James* recites, *chap.*5. *ver.*12. as that which Chriſtians ought to have a very particular and principal regard to; *above all things my Brethren ſwear not:* And he makes the breach of this Law a damning ſin, *leaſt ye fall into Condemnation.* But the Autority of our Saviour alone is ſufficient, and therefore I ſhall only conſider that Text.

And, becauſe here lyes the main ſtrength of this opinion of the unlawfulneſs of Oaths, it is very fit that this Text be fully conſider'd; and that it be made very evident, that it was not our Saviour's meaning by this prohibition wholly to forbid the uſe of Oaths.

But before I enter upon this matter, I will readily grant, that there is ſcarce any Errour whatſoever that hath a more plauſible colour from Scripture, than this; which makes the caſe

of thoſe who are ſeduced into it the more pityable: But then it ought to be conſider'd, how much this Doctrine of the unlawfulneſs of oaths reflects upon the Chriſtian Religion; ſince it is ſo evidently prejudiciall both to humane Society in generall, and particularly to thoſe perſons that entertain it: neither of which ought raſhly to be ſuppoſed and taken for granted, concerning any Law delivered by our Saviour: Becauſe upon theſe terms it will be very hard for us to vindicate the divine wiſdom of our Saviour's Doctrine, and the Reaſonableneſs of the Chriſtian Religion. Of the inconvenience of this Doctrine to humane Society, I have ſpoken already. But beſides this, it is very prejudicial to them that believe it. It renders them ſuſpected to Government, and in many caſes incapable of the common benefits of Juſtice and other priviledges of humane Society, and expoſeth them to great penalties, as the conſtitution of all Laws and Governments at preſent is; and it is not eaſy to imagine how they ſhould be otherwiſe. And which is very conſiderable in this matter, it ſets thoſe who refuſe Oaths upon very unequall terms with the reſt of Mankind, if where the eſtates and lives of men are equally concern'd, their bare teſtimonies ſhall be admitted without an Oath,

Oath, and others ſhall be obliged to ſpeak upon Oath: Nothing being more certain in experience, than that many men will lye for their intereſt, when they will not be perjured; God having planted in the natural Conſciences of men a ſecret dread of perjury above moſt other ſins. And this inconvenience is ſo great, as to render thoſe who refuſe oaths in all caſes almoſt intolerable to humane Society. I ſpeak not this either to bring them into trouble, or to perſwade them to meaſure truth by their intereſt: But on the other hand I muſt needs ſay, that it is no Argument either of a wiſe or good man to take up any opinion, eſpecially ſuch a one as is greatly to his prejudice upon ſlight grounds. And this very conſideration, that it is ſo much to their inconvenience, may juſtly move them to be very carefull in the examination of it.

This being premis'd, I come now to explain this Prohibition of our Saviour; and to this purpoſe, I deſire theſe *three* things may be well conſider'd.

Firſt, That ſeverall circumſtances of theſe words of our Saviour do manifeſtly ſhew that they ought to be interpreted in a limited ſenſe, as only forbidding ſwearing in common converſation; *needleſs* and *heedleſs* oaths (as one expreſſeth

expreſſeth it) and in general, all voluntary ſwearing, unleſs upon ſome great and weighty cauſe, in which the glory of God and the good of the ſouls of Men is concerned. For that in ſuch caſes a voluntary oath may be lawfull, I am induced to believe from the example of St. *Paul*, who uſeth it more than once upon ſuch occaſions; of which I ſhall hereafter give particular inſtances.

And this was the ſenſe of Wiſe men among the *Heathens*, that men ſhould not ſwear but upon neceſſity and great occaſion. Thus *Euſebius* the Philoſopher in *Stobæus*, counſels men. *Some* (ſays he) *adviſe men to be carefull to ſwear the truth; but I adviſe principally that men do not eaſily ſwear at all*, that is, not upon any ſlight, but only upon weighty occaſions: To the ſame purpoſe *Epictetus*, *Shun oaths wholly, if it be poſſible; if not, however as much as thou canſt*: And ſo likewiſe *Simplicius* in his *Comment* upon him, *We ought wholly to ſhun ſwearing, except upon occaſions of great neceſſity*: And *Quintilian* among the *Romans*, *In totum jurare, niſi ubi neceſſe eſt, gravi viro paxum convenit; To ſwear at all, except where it is neceſſary, do's not well ſuite with a wiſe man.*

And, that this Prohibition of our Saviour's ought to be underſtood of oaths in ordinary con-

converſation, appears from the oppoſition which our Saviour makes, *Swear not at all; but let your communication be yea, yea*; That is, in your ordinary commerce and affairs do not interpoſe oaths, but ſay and do. And this is very much confirmed, in that our Saviour do's not under this general Prohibition, inſtance in ſuch oaths as are expreſly by the name of God: The reaſon whereof is this; The *Jews* thought it unlawfull in ordinary communication to ſwear expreſly by the name of God, but lawfull to ſwear by the Creatures, as by *Heaven* and *Earth*, &c. So that our Saviour's meaning is, as if he had ſaid; You think you may ſwear in common converſation, provided you do not ſwear by the name of God; but I ſay unto you, let your communication be without oaths of any kind: you ſhall not ſo much as ſwear by *heaven* or by *earth*, becauſe God is virtually invoked in every oath. And unleſs we ſuppoſe this to be our Saviour's meaning, I do not ſee what good Reaſon can be given why our Saviour ſhould only forbid them to ſwear by the Creatures, and not much rather by the Name of God; ſuch oaths being ſurely of all others moſt to be avoided, as being the moſt direct abuſe and profanation of the Name of God.

Secondly, It is very considerable to the explaining of this Prohibition, that there are the like general expressions in other *Jewish* Authours concerning this very matter, which yet must of necessity be thus limited. *Maimonides*, from the ancient *Rabbies*, gives this Rule, that *it is best not to swear at all.* And *Philo* useth almost the same words. And *Rabbi Jonathan* comes very near our Saviour's expression, when he says, *The just man will not swear at all; not so much as by the common Names of God, nor by his Attributes, nor by his Works, as by Heaven, or the Angels, or the Law.* Now it is not imaginable, that these learned *Jewes* should condemn Oaths in all cases, when the Law of *Moses* did in many cases expresly require them. And therefore they are to be understood of voluntary oaths in ordinary conversation. And that the *Jewes* meant this by not swearing at all, seems to be very plain from a passage in *Josephus*, who says that the *Sect* of the *Essenes* forbad their Disciples to swear at all; and yet he tells us at the same time, that they who were admitted into that *Sect*, took an oath to observe the Laws and Rules of it. So that they who forbad to swear at all, allowed of Oaths imposed by the Authority of Superiours.

Thirdly, which will peremptorily decide this matter,

matter, this Prohibition of our Saviour's cannot be underſtood to forbid all Oaths, without a plain contradiction to the undoubted practice of the primitive Chriſtians, and of the Apoſtles, and even of our Lord himſelf. *Origen* and *Tertullian* tell us, that the Chriſtians refuſed to ſwear by the Emperour's *Genius*; not becauſe it was an Oath, but becauſe they thought it to be Idolatrous: But the ſame *Tertullian* ſays, that the Chriſtians were willing to ſwear *per ſalutem Imperatoris, by the health and ſafety of the Emperour.* *Athanaſius*, being accuſed to *Conſtantius*, purged himſelf by oath, and deſired that his Accuſer might be put to his Oath, *ſub atteſtatione veritatis, by calling the truth to witneſs:* by which form (ſays he) *we Chriſtians are wont to ſwear.* But, which is more than this, St. *Paul*, upon weighty occaſions, do's ſeverall times in his *Epiſtles* call God to witneſs for the truth of what he ſays; which is the very formality of an Oath. *God is my witneſs, Rom.* 1. 9. *As God is true, our word was not yea and nay,* 2 *Cor.* 1. 18. and *v.* 23. *I call God for a record upon my Soul. Before God I lye not, Gal.* 1. 20. *God is my record, Philip.* 1. 8. *God is my witneſs,* 1 *Theſſ.* 2. 5. Theſe are all unqueſtionable oaths; which we cannot imagine St. *Paul* would have uſed, had they been directly contrary

to our Saviour's Law. And whereas ſome defend this upon account of his extraordinary Inſpiration, I cannot poſſibly ſee how this mends the matter. For ſurely it is very inconvenient to ſay that they who were to teach the Precepts of Chriſt to others, did themſelves break them by Inſpiration.

But I go yet farther, and ſhall urge an example beyond all exception.

Our Saviour himſelf (who ſurely would not be the firſt example of breaking his own Laws) did not refuſe to anſwer upon Oath, being called thereto at his Tryall. So we find *Matth.* 26. 63. *The high Prieſt ſaid unto him, I adjure thee by the living God, that thou tell us whether thou be the Chriſt the Son of God*; that is, he required him to anſwer this queſtion upon Oath. For among the *Jewes*, the form of giving an oath to witneſſes and others, was not by tendering a formal oath to them, as the cuſtome is among us; but by adjuring them, that is, requiring them to anſwer upon oath: As is plain from *Levit.* 5. 1. *If a man hear the voice of ſwearing, and is a witneſs whether he hath ſeen or known of ſuch a thing, if he do not utter it, then he ſhall bear his Iniquity. If he have heard the voice of ſwearing*, that is, if being adjured or demanded to anſwer upon oath, concern-

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ing what he hath ſeen or heard, he do not utter the truth, he is perjured. Now to this adjuration of the high Prieſt, our Saviour anſwered, *thou haſt ſaid:* which words are not an avoiding to anſwer (as ſome have thought) but a direct anſwer; as if he had ſaid, *it is as thou ſayeſt; it is even ſo, I am the Son of God.* For upon this anſwer the high Prieſt ſaid, *he hath ſpoken blaſphemy.* But, to put the matter beyond all doubt, St. *Mark* tells us, *Mark* 14.61. that he being asked by the high Prieſt, *Art thou the Chriſt the Son of the Bleſſed? He anſwered, I am.* So that unleſs we will interpret our Saviour's Doctrine contrary to his own practice, we cannot underſtand him to forbid all Oaths; and conſequently they are not unlawfull.

I have been the longer upon this, that I might give clear ſatisfaction in this matter to thoſe that are willing to recieve it.

As for the *Ceremonies* in uſe among us in the taking of Oaths, it is no juſt Exception againſt them, that they are not found in Scripture. For this was always matter of Liberty; and ſeveral Nations have uſed ſeveral Rites and Ceremonies in their Oaths. It was the cuſtome of the *Græcians*, to ſwear laying their hands upon the Altar, *quod ſanctiſſimum jusjurandum eſt habitum*, (ſaith *A. Gellius*)

lius) *which was looked upon as the moſt ſacred form of Swearing.* The *Romans* were wont *Jovem Lapidem jurare*; that is, he that ſwore by *Jupiter* held a Flint-ſtone in his hand, and flung it violently from him, with theſe words, *Si ſciens fallo ita me Jupiter bonis omnibus ejiciat ut ego hunc Lapidem*; *If I knowingly falſify, God ſo throw me out of all my poſſeſſions as I do this ſtone.*

In *Scripture* there are *two* Ceremonies mentioned of Swearing. *One*, of *putting the hand under the Thigh* of him to whom the Oath was made. Thus *Eliezer* ſwore to *Abraham*, *Gen.*24. and *Joſeph* to *Jacob*, *Gen.*47. The *other* was *by lifting up the hand to heaven:* Thus *Abraham* expreſſeth the manner of an Oath, *Gen.* 14. 22. *I have lift up my hand to the moſt high God.* And thus God condeſcending to the manner of men, expreſſeth himſelf, *Deut.*32.40. *If I lift up my hand to heaven, and ſwear.* In alluſion to this cuſtome the *Pſalmiſt* deſcribes the Perjured perſon, *Pſal.*144. 8. *Whoſe mouth ſpeaketh vanity*; *and whoſe right hand is a right hand of falſhood.* And there is not the leaſt intimation in Scripture, that either of theſe Ceremonies were preſcribed and appointed by God, but voluntarily inſtituted and taken up by men. And thus among us the Ceremony of Swearing is *by laying the hand on the*

holy

holy Gospel, and *kissing the Book*; which is both very solemn and significant. And this is the reason why this solemn kind of Oath is called a *corporall* Oath, and was anciently so called; because the sign or ceremony of it is performed by some part of the *Body*. And this Solemnity is an aggravation of the Perjury, because it makes it both more deliberate, and more scandalous.

I shall speak but briefly to the

IV. And last particular, *viz.* the sacred *obligation* of an Oath: because it is a solemn appeal to God as a witness of the truth of what we say: To God, I say, from whose piercing and all-seeing eye, from whose perfect and infinite knowledge, nothing is or can be hid: So that there is not a thought in our heart but he sees it, nor a word in our tongue but he discerns the truth or falshood of it. Whenever we swear, we appeal to his knowledge, and refer our selves to his just judgment, who is the powerfull Patron and Protectour of Right, and the Almighty Judge and Avenger of all falshood and unrighteousness. So that it is not possible for men to lay a more sacred and solemn obligation upon their Consciences, than by the Religion of an Oath. *Moses* very well expresseth it, by *binding our souls with a bond. Numb.* 30. 2. *If a man swear an oath, to bind his*

his ſoul with a bond; intimating that he that ſwears, lays the ſtrongeſt obligation upon himſelf, and puts his Soul in pawn for the truth of what he ſays. And this obligation no man can violate, but at the utmoſt peril of the judgement and vengeance of God. For every Oath implies a Curſe upon our ſelves, in caſe of Perjury, as *Plutarch* obſerves. And this was always the ſenſe of Mankind, concerning the obligation of Oaths. *Nullum vinculum ad aſtringendam fidem majores noſtri jurejurando arctius eſſe voluerunt*, ſaith *Tully*; *Our fore-fathers had no ſtricter bond, whereby to oblige the faith of men to one another, than that of an Oath.* To the ſame purpoſe is that in the *Comedian*, *Aliud ſi ſcirem, quî firmare meam apud vos poſſem fidem, ſanctius quàm jusjurandum, id pollicerer tibi. If I knew any thing more ſacred than an Oath, whereby to confirm to you the truth of what I ſay, I would make uſe of it.*

I will crave your patience a little longer, whileſt by way of inference from this Diſcourſe, I repreſent to you the great Sin of *Swearing in common converſation*, upon trivial and needleſs occaſions; and the hainouſneſs of the ſin of *Perjury*.

1. *Firſt.* The great ſin of *Swearing*, upon trivial and needleſs occaſions, in common converſation

ſation. Becauſe an Oath is a ſolemn thing, and reſerved for great occaſions, to give confirmation to our word in ſome weighty matter, and to put an end to controverſies which cannot otherwiſe be peremptorily and ſatisfactorily decided. And therefore to uſe Oaths upon light occaſions, argues great profaneneſs and irreverence of Almighty God. So *Ulpian* the great Roman Lawyer obſerves, *Nonnullos eſſe faciles ad jurandum contemptu Religionis, that mens proneneſs to ſwearing comes from a contempt of Religion*; than which nothing diſpoſeth men more to Atheiſm and Infidelity. Beſides that it doth many times ſurprize men unawares into Perjury: And how can it be otherwiſe, when men uſe to interlard all their careleſs talk with Oaths, but that they muſt often be perjur'd? And which is worſe, it prepares men for deliberate perjury: For with thoſe who are accuſtomed to ſwear upon light occaſions, an Oath will go off with them more roundly about weightier matters. *From a common cuſtome of ſwearing* (ſaith *Hierocles*) *men eaſily ſlide into perjury: Therefore* (ſays he) *if thou wouldeſt not be perjured, do not uſe to ſwear.* And this perhaps is the meaning of St. *James*, when he cautions Chriſtians ſo vehemently againſt common ſwearing, ἵνα μὴ εἰς ὑπόκρισιν πίπτῃς, (for ſo ſome of the

beſt ancient Copies read it) *leaſt ye fall into hypocriſy*, that is, leaſt ye lye and be perjured, by uſing your ſelves to raſh and inconſiderate ſwearing.

And men expoſe themſelves to this danger to no purpoſe; Oaths in common diſcourſe being ſo far from confirming a man's word, that with wiſe men they much weaken it: For common ſwearing (if it have any ſerious meaning at all) argues in a man a perpetual diſtruſt of his own reputation, and is an acknowledgment that he thinks his bare word not to be worthy of credit. And it is ſo far from adorning and filling a man's diſcourſe, that it makes it look ſwolne and bloated, and more bold and bluſtring than becomes perſons of gentle and good breeding. Beſides, that it is a great incivility, becauſe it highly offends and grates upon all ſober and conſiderate perſons; who cannot be preſumed with any manner of eaſe and patience to hear God affronted, and his great and glorious Name ſo irreverently toſt upon every ſlight occaſion.

And it is no excuſe to men that many times they do it ignorantly, and not obſerving and knowing what they do. For certainly it is no extenuation of a fault, that a man hath got the habit of it ſo perfect, that he commits it when he do's not think of it: Which conſideration

ſhould

ſhould make men oppoſe the beginnings of this Vice, leſt it grow into a habit very hard to be left. *Nemo novit, niſi qui expertus eſt, quàm ſit difficile conſuetudinem jurandi extinguere,* ſaith St. *Auſtin*; *No man knows, but he that hath tryed, how hard it is to get rid of this cuſtome of Swearing:* But yet it is certain men may do it, by reſolution, and great care of themſelves: For he that can chuſe whether he will ſpeak or not, can chuſe whether he will ſwear or not when he ſpeaks. *Major conſuetudo majorem intentionem flagitat*; *The more inveterate a cuſtome is, the greater care ſhould be uſed to break our ſelves of it.*

In ſhort, This practice is ſo contrary to ſo plain a Precept of our Saviour, and by the breach whereof we incurr ſo great a danger (as St. *James* aſſures us) that it muſt be a great charity that can find out a way to reconcile a common cuſtome of ſwearing with a ſerious belief of the Chriſtian Religion: Which I would to God thoſe who are concerned would ſeriouſly lay to heart. Eſpecially, ſince this Sin of all others hath the leaſt of Temptation to it. Profit or Pleaſure there is none in it; nor any thing in mens naturall tempers to incite them to it. For though ſome men pour out Oaths ſo freely as if they came naturally from them, yet ſurely no man is born of a ſwearing conſtitution. All

All that can be pretended for it, is Cuſtome and Faſhion: But, to ſhew that this is no Excuſe, it is very obſervable, that it is particularly in the matter of Oaths and Perjury that the Holy Ghoſt gives that caution, *Thou ſhalt not follow a multitude to do evil.*

And laſtly, it deſerves to be conſidered, that this ſin is ſo much the greater becauſe of the frequent returns of it, in thoſe that are accuſtomed to it. So that although it were but ſmall in it ſelf (as it is not) yet the frequent practice of this ſin would quickly mount it up to a great ſcore.

2. *Secondly,* To repreſent the heinouſneſs of the ſin of *Perjury.* But before I aggravate this Crime, it is fit to let men know how many ways they may be guilty of it.

1*ſt.* When a man aſſerts upon oath what he knows to be otherwiſe: Or promiſeth what he does not intend to perform. In both theſe caſes the very act of ſwearing is Perjury. And ſo likewiſe when a man promiſeth upon oath to do that which it is unlawfull for him to do; becauſe this oath is contrary to a former obligation.

2*dly.* When a man is uncertain whether what he ſwears to be true. This likewiſe is Perjury, in the act; though not of the ſame degree of guilt with the former, becauſe it is not ſo fully and directly

rectly againſt his knowledge and conſcience. For men ought to be certain of the truth of what they aſſert upon oath, and not to ſwear at a venture. And therefore no man ought poſitively to ſwear to the truth of any thing but what he himſelf hath ſeen or heard: This being the higheſt aſſurance men are capable of in this world. In like manner, he is guilty of perjury in the ſame degree, who promiſeth upon oath what he is not morally and reaſonably certain he ſhall be able to perform.

3*dly.* They are likewiſe guilty of Perjury, who do not uſe great plainneſs and ſimplicity in oaths; but anſwer *æquivocally* and doubtfully, or with reſervation of ſomething in their minds, thinking thereby to ſalve the truth of what they ſay. And we all know who they are that make uſe of theſe arts, and maintain them to be lawfull; to the infinite ſcandall of the Chriſtian Religion, and prejudice of humane Society, by doing what in them lyes to deſtroy all Faith and mutual Confidence among men. For what can be a greater affront to God, than to uſe his Name to deceive men? And what can more directly overthrow the great end and uſe of oaths, which are *for confirmation*, and to *put an end to ſtrife*? Whereas by theſe arts the thing is

left in the ſame uncertainty it was before, and there is no deciſion of it. For there is hardly any form of words can be deviſed ſo plain, as not to be lyable to Equivocation: To be ſure, a man when he ſwears, may always reſerve ſomething in his mind which will quite alter the ſenſe of what ever he can ſay or promiſe upon oath. And this may be laid down for a certain Rule, That all departure from the ſimplicity of an oath, is a degree of Perjury; and a man is never a whit the leſs forſworn, becauſe his perjury is a little finer and more artificiall than ordinary. And though men think by this device to ſave themſelves harmleſs from the guilt of ſo great a Sin, they do really increaſe it, by adding to their iniquity the impudent folly of mocking God and deceiving themſelves.

And whereas it is pleaded, in the favour of *mental reſervation*, that the whole Propoſition, as made up of what is expreſt in words and of that which is reſerved in the mind, is true; For inſtance, if a man being ask'd upon Oath whether he be a Prieſt, ſhall anſwer he is not, reſerving in his mind that he is not a Prieſt of *Bacchus*, or ſome ſuch thing, the whole Propoſition is true, and then they ſay a man may ſwear to that which is true, without danger of perjury: This is of no force,

becauſe

becauſe, though the whole Propoſition be true, it is deceitfull, and contrary to that ſincerity which ought to be in an oath: And the end of an oath is hereby likewiſe defeated, which is to aſcertain the truth of what we ſay: But if a man reſerve ſomething in his mind which alters the truth of what he ſays, the thing is ſtill as doubtfull and uncertain as it was before. Beſides, if this be a good reaſon, a man may ſwear with reſervation in all caſes, becauſe the reaſon equally extends to all caſes; for if the truth of the Propoſition, as made up of what is expreſs'd in words and reſerv'd in the mind, will excuſe a man from Perjury, then no man can be perjur'd that ſwears with reſervation: But this the *Caſuiſts* of the *Roman* Church do not allow, but only in ſome particular caſes, as *before an incompetent Judge*, or the like; for they ſee well enough that if this were allow'd in all caſes, it would deſtroy all faith among men. And therefore ſince the reaſon extends alike to all caſes, it is plain that it is to be allow'd in none.

4*thly*. He is guilty of Perjury after the act, who having a real intention when he ſwears, to perform what he promiſeth, yet afterwards neglects to do it: Not for want of Power (for ſo long as that continues the obligation ceaſeth) but for

for want of Will, and due regard to his oath.

Now that Perjury is a moſt heinous Sin, is evident, becauſe it is contrary to ſo plain and great a Law of God; one of the ten *Words* or *Precepts* of the Moral Law, *Thou ſhalt not take the Name of the Lord thy God in vain*; thou ſhalt not bring or apply the name of God to a falſhood: Or, as *Joſephus* renders it, *Thou ſhalt not adjure God to a falſe thing:* Which our *Saviour* renders yet more plainly, *Matth.*5.33. *Thou ſhalt not forſwear thy ſelf.* For he ſeems to refer to the *third* Commandment when he ſays, *Ye have heard that it was ſaid to them of old time, thou ſhalt not forſwear thy ſelf,* as he had done before to the *6th.* and *7th.* when he ſays, *It was ſaid to them of old time, thou ſhalt not kill, thou ſhalt not commit adultery.* So that the primary, if not the ſole intention of this Law, *Thou ſhalt not take the name of the Lord thy God in vain,* is to forbid the great ſin of Perjury. And I do not remember that in Scripture the phraſe of *taking God's name in vain,* is uſed in any other ſenſe. And thus it is certainly uſed, *Prov.*30.9. *Leſt I be poor and ſteal, and take the name of the Lord my God in vain: i. e.* leſt Poverty ſhould tempt me to ſteal, and ſtealth ſhould engage me in Perjury. For among the *Jews* an oath was tendered to him that was ſuſpected of theft,

theft, as appears from *Levit.*6.2. where it is ſaid, *If any one be guilty of theft, and lyeth concerning it, or ſweareth falſly; he ſhall reſtore all that about which he hath ſworn falſly. Leſt I ſteal, and take the name of the Lord my God in vain*; that is, be perjured, being examined upon oath concerning a thing ſtoln. And for this reaſon the thief and the perjured perſon are put together, *Zech.*5.4. where it is ſaid, that *a curſe ſhall enter into the houſe of the thief, and of him that ſweareth falſly by the name of God.* From all which it is very probable, that the whole intention of the 3*d.* Commandment is to forbid this great ſin of Perjury. To deterr men from which, a ſevere threatning is there added; *for the Lord will not hold him guiltleſs that taketh his name in vain*; that is, he will moſt ſeverely puniſh ſuch a one. And 'tis very obſeravble, that there is no threatning added to any other Commandment, but to *this* and the *ſecond*; Intimating to us that next to Idolatry and the worſhip of a falſe God, Perjury is one of the greateſt affronts that can be offered to the divine Majeſty. This is one of thoſe ſins that cries ſo loud to Heaven, and quickens the pace of God's judgments, *Mal.*3.9. *I will come near to you in judgment, and be a ſwift witneſs againſt the ſwearer.* For this God threatens utter deſtruction to the man and his houſe, *Zech.*5.4. ſpeaking of the *curſe that goeth*

over the face of the whole earth; God (ſays he) *will bring it forth, and it ſhall enter into the houſe of him that ſweareth falſly by the name of God, and ſhall remain in the midſt of his houſe, and ſhall conſume it, with the timber thereof and the ſtones thereof. It ſhall remain in the midſt of his houſe, and ſhall conſume it.* This ſin by the ſecret judgment of God undermines Eſtates and Families, to the utter ruine of them. And among the *Heathen* it was always reckoned one of the greateſt of Crimes, and which they did believe God did not only puniſh upon the guilty perſon himſelf, but upon his family and poſterity; and many times upon whole Nations, as the *Prophet* alſo tells us, that *becauſe of Oaths the Land mourns.*

I need not uſe many words to aggravate this ſin; it is certainly a Crime of the higheſt nature. Deliberate Perjury being directly againſt a man's knowledge, ſo that no man can commit it without ſtaring his Conſcience in the face; which is one of the greateſt aggravations of any Crime. And it is equally a ſin againſt *both Tables*; being the higheſt affront to God, and of moſt injurious conſequence to men. It is an horrible abuſe of the name of God, an open contempt of his Judgment, and an inſolent defiance of his Vengeance: And in reſpect of men, it is not only a wrong to this or that particular perſon who ſuffers by it, but

but Treaſon againſt humane Society; ſubverting at once the foundations of publick Peace and Juſtice, and the private ſecurity of every man's life and fortune. It is a defeating of the beſt and laſt way that the wiſdome of men could deviſe for the deciſion of doubtfull matters. *Solomon* very fully and elegantly expreſſeth the deſtructive nature of this ſin, *Prov.* 25. 18. *A falſe witneſs againſt his neighbour, is a maul, and a ſword, and a ſharp arrow:* Intimating, that amongſt all the inſtruments of ruine and miſchief that have been deviſed by mankind, none is of more pernicious conſequence to humane Society than Perjury, and breach of Faith. It is *a peſtilence that* uſually *walketh in darkneſs*, and a ſecret ſtab and blow againſt which many times there is no poſſibility of defence.

And therefore it highly concerns thoſe who upon theſe and the like occaſions are called upon their Oath, whether as *Jurors* or *Witneſſes*, to ſet God before their eyes, and to have his fear in their hearts, whenever they come to take an oath: And to govern and diſcharge their conſciences in this matter by known and approved Rules, and by the Reſolutions of pious and wiſe men; and not by the looſe Reaſonings and Reſolutions of *Pamphlets*, ſent abroad to ſerve the turns of unpeaceable and ill-minded men (whether *Atheiſts*, or *Papiſts*, or others) on purpoſe to debauch the Conſciences of men by teach*ing*

teaching them to play faſt and looſe with oaths. And it is a very ſad ſign of the decay of Chriſtian Religion amongſt us, to ſee ſo many who call themſelves Chriſtians, to make ſo little conſcience of ſo great a ſin, as even the Light of Nature would bluſh and tremble at.

I will conclude all with thoſe excellent *Sayings* of the Son of *Sirach* concerning theſe two ſins (I have been ſpeaking of) of Profane Swearing, and Perjury, *Eccle.* 23.9,10,&c. *Accuſtome not thy mouth to ſwearing; neither uſe thy ſelf to the naming of the holy One. A man that uſeth much ſwearing ſhall be filled with iniquity; and the plague ſhall never depart from his houſe. If he ſhall offend, his ſin ſhall be upon him; and if he acknowledge not his ſin, he maketh a double offence. And if he ſwear falſly, he ſhall not be innocent, but his houſe ſhall be full of calamities.* And to repreſent to us the dreadful nature of this ſin of Perjury, *There is* (ſaith he) *a word that is clothed about with death*, meaning a raſh and falſe Oath; *There is a word that is clothed about with death, God grant it be not found in the heritage of Jacob: For all ſuch things ſhall be far from the godly; and they will not wallow in theſe ſins.* From which God preſerve all good men, and make them careful to preſerve themſelves; as they value the preſent peace of their own conſciences, and the favour of Almighty God in this World and the other, for his Mercies ſake in *Jeſus Chriſt. To whom*, &c.

FINIS.